

AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P. O. Box 7599
Loveland, Colorado 80537-0599

ATTORNEY DOCKET NO. 10010116-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Inventor(s): John F. McEntee
Serial No.: 10/632,600 **Examiner: Kerl A. Moss**
Filing Date: August 1, 2003 **Group Art Unit: 1743**
Title: METHODS AND DEVICES FOR MODIFYING A SUBSTRATE SURFACE

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JAN 26 2006

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Response/Amendment | <input type="checkbox"/> Petition to extend time to respond |
| <input type="checkbox"/> New fee as calculated below | <input type="checkbox"/> Supplemental Declaration |
| <input checked="" type="checkbox"/> No additional fee (Address envelope to "Mail Stop Amendments") | |
| <input type="checkbox"/> Other: | (Fee \$ _____) |

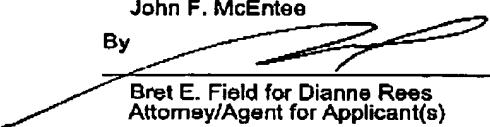
CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	x 50	\$ 0
INDEP. CLAIMS		MINUS		= 0	x 200	\$ 0
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ 360	\$ 0
EXTENSION FEE	1 ST MONTH 120.00	2 ND MONTH 450.00	3 RD MONTH 1020.00	4 TH MONTH 1590.00		\$ 0
					OTHER FEES	\$ 0
						TOTAL ADDITIONAL FEE FOR THIS AMENDMENT
						\$ 0

Charge \$ 0 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 50-1078 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,

John F. McEntee

By


 Bret E. Field for Dianne Rees
 Attorney/Agent for Applicant(s)

Reg. No. 37,620

Date: 01-26-2006

Telephone No. (650) 327-3400

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below:

571-273-6300
Date of facsimile: 01-26-2006

Typed Name: Donna Macedo

Signature: *Donna Macedo*

3 Dec 1st 1

VIA FACSIMILE 571-273-8300		
RESPONSE TO RESTRICTION REQUIREMENT	Attorney Docket Confirmation No.	10010116-1 4325
Address to: Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450	First Named Inventor	John F. McEntee
	Application Number	10/632,600
	Filing Date	August 1, 2003
	Group Art Unit	1743
	Examiner Name	Keri A. Moss
	Title	Methods and Devices for Modifying a Substrate Surface

Dear Sir:

This communication is responsive to the office communication dated January 20, 2006.

In the above referenced office communication, the Examiner imposed a restriction requirement, requiring the election of the claims of either:

Group I, i.e., Claims 1-13, 30-36 and 39;

Group II, i.e., Claims 14-18;

Group III, i.e., Claims 19-23;

Group IV, i.e., Claims 24-29; or

Group V, i.e., Claims 37 and 38

for further prosecution in this application.

The Applicants hereby elect Group I with traverse.

The Applicants also respectfully urge the Examiner to rejoin the claims of Groups II-V with the elected claims of Group I for examination in this application for the following reasons.

The MPEP allows an Examiner to examine otherwise patentably distinct sets of claims if to do so would not impose an undue burden on the Examiner. M.P.E.P. § 8.03 states that:

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If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

In the present case, the claims of Groups II - IV are directed to methods that include common steps as found in the claims of elected Group I, e.g., contacting a substrate surface with a fluid and sonically or ultrasonically agitating the fluid. Furthermore, the claims of Group V are directed to devices and systems for practicing the methods.

Accordingly, little, if any, additional searching should be required for the claims of Groups II- V, and therefore the examination of the claims of Groups II- V together with the claims of elected Group I should impose little, if any, additional burden on the Examiner.

As such, examining the claims of Groups II- V and the claims of elected Group I together in the present application clearly does not impose an undue or serious burden on the Examiner. In the absence of such an undue or serious burden, the Examiner is clearly instructed by the MPEP to examine the entire application. Therefore, the Examiner is respectfully requested to rejoin the claims of Groups II- V with the claims of elected Group I and to examine all the claims together in the present application.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-1078.

Respectfully submitted,

Date: January 26, 2006

By:


Bret E. Field
Registration No. 37,620

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